

63-406 STUDENTS**63-406****.1 Applicability.**

- .11 Any person who is age 18 through 49; physically and mentally fit for employment; and enrolled at least half-time, as defined by the institution, in an institution of higher education (as defined in Section 63-406.111(a)), shall be ineligible to participate in the Food Stamp Program unless that person complies with the eligibility requirements as specified in Section 63-406.2.

.111 To be considered a student at an institution of higher education, a person specified in Section 63-406.111(a)(1) needs only to be enrolled at least half-time; whereas a person specified in Section 63-406.111(a)(2) needs to be both enrolled at least half-time and enrolled in a regular curriculum. A regular curriculum at an institution of higher education means the standard requirements for graduation or certification/qualification in a particular field of study.

(a) An institution of higher education® refers to:

(1) A business, trade, technical or vocational school at the post-high school level that normally requires a high school diploma or equivalency certificate for enrollment; or

(2) A junior, community, two-year or four-year college or university, or graduate school, regardless of whether a high school diploma or equivalency certificate is required.

(A) If a college normally requires a high school diploma or equivalency certificate, but does not require either of these for a particular program or course, enrollment in such a program or course does not constitute enrollment in an institution of higher education.

- .12 Student eligibility requirements shall not apply to persons age 17 or under, persons age 50 or over, persons physically or mentally unfit for employment, persons attending high school, persons participating strictly in the job training portion of on-the-job-training programs as opposed to the class attendance portion, persons enrolled in an institution of higher education as specified in Section 63-406.111(a)(1) less than half-time, persons enrolled in a regular curriculum in an institution of higher education as specified in Sections 63-406.111 and 63-406.111(a)(2) less than half-time, or to persons enrolled full-time in schools and training programs which are not institutions of higher education.

- .121 If mental or physical unfitness for employment is claimed and the unfitness is not evident to the CWD, verification shall be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or a statement from a physician or licensed or certified psychologist.

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- .122 Participants in an on-the-job training program would have to meet the student eligibility requirements when they were only attending classes in an institution of higher education at least half-time, and not involved in the training portion as specified in Section 63-406.12.

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Example (a) A man is involved in a six-month on-the-job training program at a vocational school that normally requires a high school diploma. During the first three months of the program he engages exclusively in full-time, on-site classroom instruction, to prepare him to work in the shop area. He must meet one of the student eligibility requirements as specified in Section 63-406.21 to be eligible to receive food stamps because he is a student at an institution of higher education as specified in Sections 63-406.111 and .111(a)(1).

Example (b) A man is involved in a six-month on-the-job training program at a vocational school that normally requires a high school diploma. He spends the first four hours each day in classroom instruction and the second four hours in the shop, applying what he learned on the job. He does not have to meet the student eligibility requirements as specified in Section 63-406.21 because he is engaged in on-the-job training and therefore is exempt from meeting the student eligibility requirements.

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.2 Eligibility Requirements.

- .21 In order to be eligible to participate in the Food Stamp Program, any student (as defined in Section 63-406.1) shall meet at least one of the following criteria on the date of the interview:
- .211 Be employed for a minimum of twenty hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receive gross weekly earnings at least equal to the federal minimum wage multiplied by 20 hours; (See Section 63-408.111 and Section 63-502.112).
- .212 Be approved for state or federally financed work study for the current school term, as defined by the institution, and anticipate working during the term.

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The exemption begins the month the school term starts or the month work study is approved, whichever is later. The exemption continues until the end of the month the school term ends, or it becomes known that the student refused a work assignment.

The exemption shall not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.

- .213 Be exerting parental control over a dependent household member under the age of six. (See Section 63-102p.(1) for definition of parental control.)
- .214 Be exerting parental control over a dependent household member who has reached age six but is under age 12 and the CWD has determined on a case-by-case basis that adequate child care services are not available (See Section 63-406.23) to enable the individual to attend class and work 20 hours per week or participate in a state or federally financed work study program during the regular school year.
- .215 Be a recipient of AFDC.
- .216 Be assigned to or placed in an institution of higher education through or in compliance with the requirements of Sections 63-406.216(a) through (e).

Self-initiated placements during the period of time the person is enrolled in one of the employment and training programs as specified in Sections 63-406.216(a) through (e) shall be considered to be in compliance with the requirements of the employment and training program in which the person is enrolled, provided that the program has a component for enrollment in an institution of higher education and that program accepts the placement.

Persons who voluntarily participate in one of the employment and training programs as specified in Sections 63-406.216(a) through (e) and are placed in an institution of higher education through or in compliance with the requirements of the program shall qualify for the exemption. These programs are:

- (a) The Job Training Partnership Act (JTPA),
- (b) a Food Stamp Employment or Training Program (FSET),
- (c) the Job Opportunities and Basic Skills (JOBS) program under Title IV of the Social Security Act.
- (d) a program under Section 236 of the Trade Act of 1974, or
- (e) a state or local government employment and training program, for low-income individuals, determined by the county welfare department to be providing at least one of the components as specified in Section 63-407.841.

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- .217 Enrolled full-time in an institution of higher education and is a single parent with responsibility for the care of a dependent child under age 12.

This provision applies when only one of the child-~~s~~(ren-~~s~~) natural, adoptive or stepparents, regardless of marital status, is in the same food stamp household as the child(ren). ~~Regardless of marital status~~ means that the parent could be single (never married), a widow or widower, separated, divorced, or married and living in a separate household from the other parent.

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Example (a) If one natural parent and a stepparent are living with the child, neither the natural parent nor the stepparent could qualify for the student exemption.

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If no natural, adoptive or stepparent is in the same food stamp household as the child, another full-time student in the same food stamp household as the child may qualify for eligible student status if he or she has parental control over the child and is not living with his or her spouse.

- .22 The enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Once a student enrolls in an institution of higher education, such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess unless the student graduates, is suspended or expelled or drops out.
- .221 Student eligibility criteria shall be applied on the date of the interview to all applicants who are students as defined in Section 63-406.1. The student eligibility criteria shall also be applied on the date of the interview to all applicants who are noncontinuing students in the final month of student status.
- .23 In determining whether or not adequate child care services are available as required in Section 63-406.214, the following factors shall be considered:
- .231 Accessibility of the child care facility to the child's home and school,
- .232 Convenience for the student household member and suitability of the hours of the child care with respect to the student household's member's school schedule, and
- .233 Appropriateness of the child care services to the age and special needs of the child.

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.3 Ineligible Students

Any student as defined in Section 63-406.1 who does not meet the eligibility criteria of Section 63-406.2 shall be considered an excluded household member. The income and resources of an ineligible student shall be treated in accordance with Section 63-503.45.

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 271.2; 7 CFR 273.5, .5(a), .5(b)(6), (b)(7), (b)(10), and (b)(11); 7 CFR 273.10(b); Federal Register, Volume 60, Number 183, dated September 21, 1996; and 7 U.S.C. 2015(e).

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.1 Persons Required to Register

The CWD shall determine which household members are required to be registered for employment. Each household member who is not exempt by Section 63-407.2 shall be registered for employment at the time of application and once every twelve months after initial registration as a condition of eligibility, unless the household is entitled to expedited service. If the household is entitled to expedited service, household members subject to work registration shall be registered as indicated in Section 63-301.5.

.2 Work Registration Exemptions and Registration in Substitute Programs

.21 The following persons are exempt from the food stamp work registration requirement:

- (a) A person younger than 16 years of age or a person 60 years of age or older. If a child has his/her 16th birthday within a certification period, the child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the child qualifies for another exemption.
 - (1) A person age 16 or 17 who is not the head of the household, or who is attending school, or enrolled in an employment training program on at least a half-time basis is exempt.
- (b) A person physically or mentally unfit for employment. If mental or physical unfitness is claimed and the unfitness is not evident to the CWD, verification shall be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed or certified psychologist;

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- (c) A household member subject to and complying with any work requirement under Title IV of the Social Security Act including Greater Avenues for Independence (GAIN) and California Work Opportunity and Responsibility to Kids (CalWORKs) programs. If the exemption claimed is questionable, the CWD shall be responsible for verifying the exemption, as required in Section 63-300.53;
- (d) A parent or other household member who is responsible for the care of a dependent child under 6 or an incapacitated person. If the child has his/her 6th birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirements as part of the next scheduled recertification process, unless the individual qualifies for another exemption;
- (e) A person who is in receipt of unemployment compensation or who has applied for, but has not yet begun to receive unemployment compensation, if that person was required to register for work with EDD as a part of the unemployment compensation application process. If the exemption claimed is questionable, the CWD shall be responsible for verifying the exemption with the appropriate EDD office as required by Section 63-300.53;
- (f) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;
- (g) A person who is employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours. This exemption shall apply to migrant and seasonal farm workers who are under contract or similar agreement with an employer or crew chief to being employed within 30 days;
- (h) A student enrolled at least half time in any recognized school, training program, or institution of higher education, provided that students enrolled at least half time in a recognized institution of higher education have met the eligibility conditions in Section 63-406.2. A student enrolled in a school, training program or institution of higher education shall remain exempt during normal periods of class attendance, vacation and recess. However, persons who are not enrolled at least half time or who experience a break in their enrollment status due to graduation, expulsion, suspension or who drop-out shall not be considered students for the purpose of qualifying for this exemption;

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- .211 Persons exempted in Section 63-407.21 shall be permitted to volunteer to participate in the Food Stamp Employment and Training (FSET) Program as described in Section 63-407.8.
- .22 Loss of Work Registration Exemptions
- .221 Persons losing exemption status due to any change in circumstances that is subject to the reporting requirements of Sections 63-505.3 or .5 (such as a loss of employment that also results in a loss in income of more than \$25 a month, or departure from the household of the sole dependent child for whom an otherwise nonexempt household member was caring) shall be registered for employment when the change is reported. The CWD shall annotate the registration changes to the person's exemption status on an existing record designated by SDSS.
- .222 Those persons who lose their exemption due to a change in circumstances not subject to the reporting requirements of Section 63-505.3 or .5 shall register for employment at their household's next recertification.
- .223 Those persons exempt because they are registered for work under one of the programs specified in Sections 63-407.21(c) or (e) and are deemed ineligible to participate in that program due to a change in household circumstances other than failing to comply with the work registration requirements of that program shall be registered for work in accordance with Section 63-407.3 under the Food Stamp Program within 10 calendar days from the date they lose their eligibility for that program. For treatment of persons who fail to comply with the work registration requirements of a program specified in Sections 63-407.21(c) and (e), see Section 63-407.54.
- .23 Substitute Programs
- Persons registered in the following programs shall be considered as registered for work under the Food Stamp Program:
- o General Assistance Work Program
 - o Non-WIN Public Assistance (PA) Program
 - o Refugee Resettlement Program

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- .231 Those persons registered in a substitute program as specified in Section 63-407.23, who are deemed ineligible to participate in that program due to a change in household circumstances other than failing to comply with work registration requirements of that program, shall be subject to the work registrant requirements of the Food Stamp Program in Section 63-407.4, within 10 days from the date they lose their eligibility for that program. For treatment of persons who fail to comply with the work registration requirements of these programs see Section 63-407.54.

.3 CWD Requirements

- .31 Upon reaching a determination that an applicant or other members of the applicant's household are required to be registered, the CWD shall:
- .311 Explain to the applicant the work registrant requirements in Section 63-407.4 and, if assigned to the FSET Program, the requirements in Section 63-407.8, the rights and responsibilities, and the consequences of failure to comply.
- (a) The applicant shall be informed that he/she may be deferred from FSET Program participation if monthly expenses identified in Section 63-407.83 exceed the allowable reimbursable amounts identified in that section.
- .312 Provide a written statement of the requirements in Section 63-407.311 to each work registrant.
- .313 Provide a written statement:
- (a) at recertification, and
- (b) when a previously exempt individual or new household member is required to be registered.
- .32 Household members are considered to be registered when the registration is annotated by the CWD on an existing record designated by SDSS.

.4 Work Registrants Requirements

Persons registered for work under the Food Stamp Program or a program specified in Sections 63-407.21(c) or (e) shall:

- .41 Comply with the requirements of the FSET Program, as described in Section 63-407.8, when assigned by the CWD.

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- .42 Respond to a request for supplemental information regarding employment status or availability for work.
- .43 Report to an employer to whom referred, if the potential employment meets the suitability requirements described in Section 63-407.7.
- .44 Accept a bona fide offer of suitable employment, as defined in Section 63-407.7.
- .5 Failure to Comply; Good Cause; Notification; and Sanctions
 - .51 The CWD shall be responsible for determining good cause in those instances where the work registrant has failed to comply with the requirements of Section 63-407.4.

In determining if good cause existed for failure to comply with any work registration or FSET Program requirements, the CWD shall consider the facts and circumstances, including information submitted by the household member involved and/or the employer. Good cause shall include circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, lack of adequate child care for children who have reached age six but are under twelve years of age [see Section 63-408.41(j)], the unavailability of transportation, or problems caused by inability of the work registrant to speak, read or write English.
 - .52 Within 10 days of determining that noncompliance with any of the Food Stamp work requirements at Section 63-407.4 was without good cause, as specified in Section 63-407.51, the CWD shall issue a notice of action informing the household of the sanction being imposed on the noncompliant registrant. In addition to the requirements specified in Section 63-504.21, the notice shall contain a description of the act of noncompliance, identify the minimum length of the food stamp sanction and shall specify that if, at any time, the individual becomes exempt in accordance with Section 63-407.621, the sanction shall end and the individual may reapply for food stamps. Information shall also be included describing the action which can be taken to end the sanction, in accordance with Section 63-407.612 when the minimum sanction period identified in Section 63-407.53 is completed.
 - .521 Each individual has a right to a state hearing to appeal a denial, termination or reduction of benefits due to a determination of nonexempt status, or a determination of failure to comply with the work registration or FSET Program requirements. Individuals can appeal actions such as exemption status, the type of requirement imposed, or CWD refusal to make a finding of good cause. If a state hearing is scheduled, the CWD shall provide sufficient advance notice to permit the availability, either in person or by phone as appropriate, of a representative of the component operator, if it is anticipated that such attendance will be necessary.

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- .522 The recommended CDSS developed form to use for notification of disqualification actions is the DFA 377.10.

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- .53 For purposes of determining the appropriate sanction to apply, the CWD shall count any previous sanctions imposed on the registrant for failing to comply with the requirements of Sections 63-407.4 and .55, and Section 63-408. If the registrant qualifies for one of the exemptions listed at Section 63-407.621, during the minimum sanction period identified in Sections 63-407.531, .532 or .533, the sanction shall end and the registrant may reapply and be approved for food stamps if otherwise eligible.
- .531 The first food stamp sanction shall continue for one month or until compliance is achieved, whichever is longer.
- .532 The second food stamp sanction shall continue for three months or until compliance is achieved, whichever is longer.
- .533 The third or subsequent food stamp sanction shall continue for six months or until compliance is achieved, whichever is longer.
- .54 When an individual who is registered for work under the programs specified in Sections 63-407.21(c) or (e), or in a substitute program as specified in Section 63-407.23, is sanctioned under that program for noncompliance with a work requirement, the individual shall also receive Food Stamp sanctions in accordance with Section 63-407.5.

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- .541 The individual shall be notified of the disqualification as specified in Section 63-407.52.
- .542 An individual shall not be disqualified if, prior to the effective date of the sanction identified in Section 63-407.53, that individual becomes exempt in accordance with Section 63-407.21. When, for reasons including exemption, a sanction is not imposed, it will not be counted as an instance of noncompliance.
- .55 The good cause, notification, and sanction requirements identified in Sections 63-407.51, .52, and .53 shall also apply when a work registrant reduces hours worked to less than 30 per week.
- .551 An individual identified in Section 63-407.55 shall not be subject to sanctions if, at the time hours are reduced, that person meets any of the work registration exemptions at Section 63-407.21, other than the exemption at Section 63-407.21(g).
- .6 Ending Disqualification
 - .61 If an individual is otherwise eligible following completion of the minimum sanction period identified in Section 63-407.53, eligibility may be reestablished if the individual:
 - .611 Becomes exempt in accordance with Sections 63-407.21.
 - (a) This provision applies at any time during the period of disqualification.
 - .612 Complies as follows:
 - (a) If the individual was disqualified for refusal to respond to a request for supplemental information regarding employment status or availability for work, the individual shall comply with the request.

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- (b) If the individual was disqualified for refusal to report to an employer, the individual shall report to this employer if work is still available or to another employer to whom referred.
- (c) If the individual was disqualified for refusal to accept a bona fide offer of suitable employment, the individual shall accept this employment, if still available to the participant; accept any other employment which yields earnings per week equivalent to the refused job; or accept any other employment of at least 30 hours per week, or which yields weekly earnings equal to the federal minimum wage multiplied by 30 hours.
- (d) If the individual refused to comply with an employment and training assignment, the individual shall comply with the assignment or another assignment.
- (e) If the individual was disqualified for reducing hours worked in accordance with Section 63-407.55, the individual shall increase hours worked to a minimum of 30 hours per week.

.62 An individual subject to the requirements of Section 63-410 who is also disqualified for failing to comply with the requirements of that section, may not regain eligibility until the conditions of Section 63-410 are met.

.7 Suitable Employment

.71 Any employment shall be considered unsuitable if:

.711 The wage offered is less than the highest of:

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- a. The applicable federal minimum wage ;
 - b. The applicable state minimum wage ;
 - c. Eighty percent (80%) of the federal minimum wage if neither the federal nor state minimum wage is applicable.
- .712 The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonable be expected to earn is less than the applicable hourly wages specified under Section 63-407.711.
- .713 The household member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization.
- .714 The work offered is at a site subject to a strike or lockout at the time of the offer.
- .72 In addition, employment shall be considered suitable unless the household member involved can demonstrate or the county welfare department otherwise becomes aware that:
- .721 The degree of risk to health and safety is unreasonable.
 - .722 The member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.
 - .723 The employment offered within the first 30 days of registration is not in the member's major field of experience.
 - .724 The distance from the member's home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting. Employment shall not be considered suitable if daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility. Nor shall employment be considered suitable if the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the member to the jobsite.
 - .725 The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs. For example, a Sabbatarian could refuse to work on the Sabbath.

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.8 Food Stamp Employment and Training Program

.81 CWD Screening

The CWD shall screen each work registrant to determine whether or not the registrant will participate or be deferred from the FSET Program. This requirement shall not apply in counties that are totally geographically excluded as allowed in Section 63-407.842.

.811 The following registrants shall be deferred from mandatory participation until the CWD determines that the situation precluding participation no longer exists.

- (a) A person who resides in a federally approved geographically excluded area.
- (b) A person who participates in a program described in Section 63-407.23 that has participation requirements exceeding those contained in the FSET Program.
- (c) A person who is unable to participate due to personal circumstances. This shall include persons who:
 - (1) Lack dependent care ;
 - (A) Lack of child care is defined in accordance with Section 63-408.41(j).
 - (B) Lack of dependent care shall be determined if dependent care costs exceed the maximum dependent care deduction per month per dependent. (The current amounts are reproduced in Handbook Section 63-1101.23.)
 - (2) Lack transportation to an FSET Program site ;
 - (A) Lack of transportation is defined as:

Private or public transportation is not available at reasonable times on a regular basis.
 - (B) Transportation costs plus other costs of participation (excluding dependent care costs) exceed \$25.00 per month.

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- (3) Live an unreasonable distance from the FSET program site;
 - (4) Have a severe family crisis;
 - (A) Severe family crisis is defined as:
 - An incapacitated or ill family member who temporarily needs the care of the registrant.
 - (B) A death in the immediate family or of any person in the immediate household;
 - (C) A situation in the immediate family or immediate household that temporarily requires the presence of the registrant.
 - (5) Are temporarily laid off from a job and expected to return to work within 60 days;
 - (6) Are involved in legal difficulties (such as court mandated appearances) which preclude participation;
 - (7) Have a temporary illness or disability; or
 - (A) Temporary illness or disability is defined as:
 - Pregnancy;
 - (B) An illness or injury serious enough to temporarily prevent employment. Minor ailments, such as colds, will not defer a person from participation.
 - (8) Repealed by Manual Letter No. FS-89-01, effective 1/1/89.
- .812 The CWD shall attempt to place persons deferred due to excessive dependent care or transportation costs into a component in which such costs do not exceed the amount eligible for reimbursement as specified in Section 63-407.83.
- (a) If a suitable component is not available, individuals shall be deferred until an affordable component becomes available or individual circumstances change so that monthly expenses do not exceed maximum reimbursable rates.
- .813 Individual deferrals shall be reevaluated no later than at each recertification.

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.814 Persons who are deferred shall be permitted to volunteer to participate in the FSET Program.

.815 Persons who are registered for work in accordance with Section 63-407.1 and who are not deferred under Section 63-407.811 are considered mandatory participants.

.82 Referral to FSET Program

The CWD shall refer mandatory participants to an FSET Program component who have been specifically identified in an approved county plan in accordance with Section 63-407.842. The CWD shall also be permitted to refer applicants and volunteers.

.821 Upon entry into each component the registrant shall be told, either orally or in writing, of the component requirements, what will constitute noncompliance, and the sanctions for noncompliance.

.83 Participant Reimbursement

As of July 1, 1989 and thereafter, the CWD shall reimburse participants, including volunteers and applicants, for costs that are reasonably necessary and directly related to participation as specified in Sections 63-407.831, .832 and .833. The CWD shall inform each participant that allowable expenses up to the amounts identified in this section shall be reimbursed upon presentation of appropriate documentation.

.831 For transportation and other costs (except for dependent care costs), the CWD shall provide reimbursement of up to \$25.00 per participant per month.

(a) Such expenses shall not include the cost of meals away from home.

.832 For dependent care costs, the CWD shall reimburse the actual cost in an amount not to exceed the maximum dependent care deduction per month per dependent.

(a) In lieu of providing reimbursements or payments for dependent care, the CWD may arrange for care through providers by use of purchase of service contracts or vouchers or by providing vouchers to the household.

(b) Reimbursement, payment, or arrangement for dependent care shall not be made to an individual who is the caretaker relative of a dependent in a family receiving Aid to Families with Dependent Children. In addition, an FSET Program participant is not entitled to reimbursement for dependent care costs if a member of the participant's Food Stamp household provides the care.

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- (c) Reimbursements shall be provided for the following dependents:
 - (1) Children who have reached age six but who are under thirteen years of age; and
 - (2) Persons who have reached age 13 but are physically/mentally incapacitated or under court supervision.
 - (A) The CWD shall require verification when physical/mental incapacity or the need for court supervision is questionable.
 - (d) The CWD shall verify the need for and cost of dependent care prior to reimbursing a participant for dependent care costs.
 - (1) Such verification shall include the name and address of the care provider, provider costs and the number of hours for which care is needed.
 - (e) A participant may refuse dependent care arranged by the CWD if he/she can arrange other care or show that the refusal will not interfere with participation.
 - (f) Dependent care arranged by the CWD shall meet all applicable standards of state and local law including requirements for basic health and safety protection.
- .833 If a method has been approved in the State Plan for the CWD to provide allowances that reflect approximate costs of transportation and other costs of participation (except dependent care) rather than reimbursements, participants shall be provided an opportunity to claim actual expenses which exceed the CWD standard, up to \$25.00.

.84 Program Requirements**.841 Program Components**

In accordance with a federally approved state plan, CWDs shall provide any one or more of the following components. The following components shall be allowed to be provided for applicants or recipients:

- (a) Job Club/Job Search
 - (1) Job Club (job search workshop), which consists of group training sessions in job finding skills, job interviewing skills, understanding employer expectations and requirements, and in enhancing self-esteem, self-image, and confidence.

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- (2) Supervised job search, which consists of an organized method of seeking work such as access to phone banks, job orders, and direct referrals to employers.
 - (3) Unsupervised job search, which consists of independent efforts by a registrant to look for employment and follow up interviews by staff to determine the adequacy of the job search.
- (b) Work Components
 - (1) Workfare, which consists of a nonsalaried assignment with a public or private nonprofit agency that provides the registrant an opportunity to develop basic work habits or to practice existing skills.
 - (A) Individuals assigned to workfare shall be provided the same benefits and working conditions provided to employees performing comparable work for comparable hours.
 - (B) A workfare assignment cannot result in the displacement of employed individuals or in the reduction of employment opportunities, such as substituting a workfare person in a vacant position.
 - (2) OJT/Work Experience, which consists of an assignment to provide work experience or training or both to enable participants to move promptly into regular public or private employment. Such assignment shall:
 - (A) Be limited to projects that serve a useful public purpose in fields such as health, social services, environmental protection, etc.
 - (B) Not replace a regular employee who is not participating in the FSET Program.
 - (C) Provide the same benefits and working conditions that are provided at the job site to employees performing comparable work.
- (c) Education/Training
 - (1) Vocational training which consists of a project, program or experiment, such as supported work program, or a Job Training Partnership Act program (JTPA) or state or local program aimed at accomplishing the purpose of the FSET Program.

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- (2) Education programs designed to improve a participant's basic skills or employability. Education activities include, but are not limited to, high school or equivalency programs, remedial education programs designed to achieve a basic literacy level, and instruction in English-as-a-Second-Language.
 - (A) Educational components shall be approved only if they directly enhance the employability of FSET Program participants. A direct link between educational components and job readiness shall be established.

.842 County Administration

- (a) Counties shall submit a plan in accordance with guidelines specified by SDSS. Partial or total geographical exclusion may be requested if an FSET Program would be impracticable due to such factors as the availability of work opportunities and the cost-effectiveness of the requirements. Counties requesting geographical exclusion shall submit sufficient economic and demographic data to justify such exclusion.

County plan amendments shall be submitted to SDSS for approval 60 days prior to the effective date of any proposed changes.

63-407 WORK REGISTRATION REQUIREMENTS (Continued)**63-407**

- (b) The CWD shall be permitted to operate or contract with another organization to operate the FSET Program or any component.
- (c) Counties that operate their own programs shall be permitted to establish independent FSET components and/or use existing components of WIN/Demo or GAIN, or those offered under other programs such as Refugee Employment Services, or General Assistance. If existing components are used, the following conditions shall be met:
 - (1) Participation and sanction requirements are consistent with Sections 63-407.85 and .86.
 - (2) The components are described in an approved county plan.
 - (3) Activities associated with the delivery of services to FSET participants are time studied and claimed to the FSET Program in accordance with applicable time study and claiming instructions issued by SDSS.

.843 Data Collection

The CWD shall collect data in accordance with CDSS statistical reporting requirements. (See Sections 26-010 and 26-020.) Those counties which are totally geographically excluded shall also collect the data described in Sections 63-407.843(a) and (g). The data shall include, but not be limited to the following:

- (a) Number of newly work registered individuals.
- (b) Number of work registrants deferred from participation, separated by reason for deferral.
- (c) Number of individuals granted geographical exemption.
- (d) Number of volunteers who begin participating, by component.
- (e) Number of mandatory participants who begin, by component.

63-407	WORK REGISTRATION REQUIREMENTS (Continued)	63-407
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- (f) Number of work registrants sent a notice of action informing them of the disqualification and applicants denied certification for failure to comply with the program requirements.
- (g) Number of work registrants during the October 1 through October 31 period on the October through December report.

.85 Participation Requirements

- .851 The number of months and number of successive components in which participation is required shall be determined by the county as long as the minimum and maximum participation requirements of the FSET Program are met. Participation requirements could vary among participants.
- .852 Participation requirements shall not be imposed if they would delay the determination of eligibility for or issuance of benefits to any household otherwise eligible.
- .853 The minimum level of effort by participants shall be comparable to spending at least 12 hours a month for two months making job contacts.

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In a workfare or work experience component, the number of hours may be less if the household's benefit divided by the minimum wage is less than this amount.

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- .854 For a job search component as described in Section 63-407.841(a), the participation requirement shall be permitted to begin at application for an initial period of up to eight consecutive weeks, and continue for an additional period of up to eight weeks during 12 consecutive months. The 12-consecutive-month period shall be permitted to begin at any time following the close of the initial eight-week period.
- .855 Participation requirements in a work component, as described in Section 63-407.841(b), imposed collectively on members of a household each month shall be limited to the number of hours equal to the household's allotment for the month divided by the higher of the applicable state or federal minimum wage.

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- .856 The maximum hours of participation imposed on each individual shall not exceed 120 hours per month, including nonwork and work component hours, optional Food Stamp Workfare Program hours, and hours worked for compensation, in cash or in kind.
- .857 The hours of participation or work of a volunteer shall not exceed the hours required of FSET Program mandatory participants.
- .86 Failure to Comply
- .861 FSET participants who refuse or fail without good cause to comply with any of the requirements of that program, shall be subject to the provisions of Section 63-407.5.
- .862 Individuals who are disqualified for failure to comply with the requirements of the FSET Program shall be notified as specified in Sections 63-407.52 and .565.
- .863 Voluntary participants shall not be disqualified for failure to comply with FSET Program requirements.
- .87 Ending Disqualification
- Individuals who have been disqualified for noncompliance with the requirements of the FSET Program shall be permitted to establish or reestablish eligibility in accordance with Sections 63-407.61 or 62 following completion of the minimum sanction period identified in Section 63-407.53.
- .88 Determining Good Cause
- Good cause shall be determined in accordance with the provisions in Section 63-407.51.
- .89 Other Program Requirements
- If a benefit overissuance is discovered for a month or months in which a participant has already fulfilled a workfare or work component requirement, the following requirements shall apply.
- .891 If the person who performed the work is still subject to a work obligation, the CWD shall determine how many extra hours were worked because of the improper benefit. The participant shall be credited that number of hours toward future work obligations.

63-407 WORK REGISTRATION REQUIREMENTS (Continued)**63-407**

- .892 If the workfare or work component does not continue and the overissuance was the result of an intentional Program violation, the amount of the claim determined under Section 63-801.322 shall be for the entire amount of the overissuance and not adjusted for work participation.
- .893 If the workfare or work component requirement does not continue and the overissuance was the result of an inadvertent household or agency error, the CWD shall:
- (a) Determine whether the number of hours worked in workfare are more than the number which could have been assigned had the proper benefit level been used in calculating the number of hours to be worked.
 - (b) If the extra hours that were worked because of the improper benefit level equal the amount of hours calculated by dividing the overissuance by the higher of the State or federal minimum wage, no claim shall be established. No credit for future work requirements shall be given.
 - (c) If the extra hours worked times the higher of the State or federal minimum wage do not equal the amount of the overissuance, the amount of the claim established under Section 63-801.312 shall be adjusted to equal the amount of the overissuance not "worked off".

HANDBOOK BEGINS HERE**EXAMPLE**

A household was incorrectly issued a benefit of \$150 in a month when \$100 would have been the proper benefit. The household, based on the \$150 allotment worked 35 hours [\$150 divided by the minimum wage--\$4.25]. Had the allotment been correctly calculated the household could have been assigned no more than 23 hours in that month. A claim would be established for the amount of the overissuance not "worked off" [e.g., any hours between 23 and 35 which were not "worked off"]. Since the household worked the entire 35 hours, no claim would be established. However, if the household has worked 30 hours, the minimum wage times five [the number of hours not "worked off"] or \$21.25, would have to be recovered.

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.9 Optional Food Stamp Employment Programs

- .91 In addition to the FSET Program, operated in accordance with Section 63-407.8, counties shall be permitted to operate the Food Stamp Workfare Program in accordance with the Requirements of Title 7 of the Code of Federal Regulations, Section 273.22.

NOTE: Authority cited: Sections 10553, 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 273.1(d)(2); 7 CFR 273.7(d)(1)(ii)(A) and (E); 7 CFR 273.7(f), (f)(1)(vi), (f)(2), and (f)(4)(ii); 7 CFR 273.7(h); 7 U.S.C. 2014(e); 7 U.S.C. 2015 (d)(2), (d)(4)(I)(i)(II), and (o); U.S.D.A. Food and Nutrition Service Administrative Notice 94-39; and Public Law 104-193, Sections 815, 817, 819 and 824 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and U.S.D.A. Food and Consumer Service Administrative Notices 97-22 and 97-65.

63-408 VOLUNTARY QUIT**63-408**

A food stamp work registrant shall not be eligible for participation in the program when that individual voluntarily quits employment without good cause as specified in this section. If an individual quits a job, secures new employment that entails at least the same number of hours or the same salary and is then laid off or, through no fault of his/her own, loses the new job, the earlier quit will not form the basis of a disqualification. For the purpose of this section, employment shall mean 20 hours or more per week or weekly earnings equivalent to the federal minimum wage multiplied by 20 hours. Changes in employment status that result from reducing hours of employment while working for the same employer, terminating a self-employment enterprise or resigning from a job at the demand of the employer shall not be considered a voluntary quit for purposes of this section.

- .1 When a household files an application, the CWD shall determine whether any unemployed household member who is required to register for work, or is exempt from work registration in accordance with Section 63-407.21(g), has quit a job without good cause within 60 days before filing an application. For purposes of this section, unemployed household members include persons employed less than 20 hours per week or receiving weekly earnings less than the Federal minimum wage multiplied by 20 hours. The CWD shall process the application within the time frames specified in Section 63-301 and shall not delay benefits pending a voluntary quit or good cause determination.
- .11 If the CWD learns that a household has lost a source of earned income after the date of application, but before the household is certified, the CWD shall determine whether a voluntary quit occurred.
- .12 Upon a determination that an individual identified in Section 63-408.1 has voluntarily quit employment without good cause, the individual's application for participation shall be denied for a period of 90 days starting from the date of quit. The household shall be advised of the reason for the denial and of the individual's right to reapply and/or request a state hearing.
 - .121 Following the end of the 90-day period identified in Section 63-408.12, an individual may begin participating in the food stamp program after reapplying and being determined eligible.
 - .122 Eligibility may be reestablished prior to expiration of the 90-day period and the individual shall, if otherwise eligible, be permitted to resume participation if he/she meets one of the criteria identified in Section 63-408.6.
- .13 An individual identified in Section 63-408.12 shall not be considered to have committed an instance of noncompliance for purposes of determining the minimum length of food stamp sanctions subsequently imposed in accordance with Section 63-407.53.

63-408 VOLUNTARY QUIT (Continued)**63-408**

- .14 If a voluntary quit occurred prior to certification, but is not discovered by the CWD until after certification, a food stamp sanction shall be imposed in accordance with the procedures specified in Section 63-408.2.
- .2 When the CWD learns that a household in receipt of food stamps has lost a source of earned income, the CWD shall determine whether a work registrant has voluntarily quit a job and whether there was good cause as defined in Section 63-408.4. Benefits shall not be delayed pending this determination.
 - .21 Upon a determination that the voluntary quit was not for good cause, the CWD shall issue a notice of action informing the household of the sanction being imposed on the noncompliant work registrant. The notice shall be issued within 10 days of making the determination. In addition to the requirements specified in Section 63-504.21, the notice shall:
 - .211 Explain the reason for the proposed disqualification;
 - .212 Specify that the sanction period shall begin the first of the month following the month the registrant is provided a timely notice of action and shall continue for the period identified in Section 63-407.53.
 - (a) The notice shall inform the registrant that if, at any time, he/she becomes exempt in accordance with Section 63-408.612, the sanction shall end and he/she may reapply for food stamps.
 - .213 Explain the actions which may be taken to end the disqualification and the conditions under which the registrant may reapply; and
 - .214 Inform the registrant of the right to request a state hearing. If a state hearing is requested, continued participation shall be in accordance with Section 63-804.6. If a participating registrant's benefits are continued pending a state hearing and the CWD's determination is upheld, the disqualification period shall begin the first of the month after the hearing decision is rendered.
 - .22 If a registrant leaves the program before the sanction can be imposed, the period of ineligibility shall run continuously beginning with the first of the month after the expiration of the adverse notice period, unless it is ended in accordance with Section 63-408.6.
 - .23 If the quit occurred or is determined during the last month of a certification period, the noncompliant registrant shall be denied eligibility for the period specified in Section 63-407.53, unless he/she becomes exempt in accordance with Section 63-408.612.

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.3 Exemptions from voluntary quit provisions.

The following persons are exempt from voluntary quit provisions:

- .31 Person exempt at the time of quit from the work registration provisions as stated in Section 63-407.21, except for those exempt for working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours, including migrant or seasonal farm workers under agreement to be employed within 30 days (Section 63-407.21(g)).
 - .32 Strikers, as defined in Section 63-402.9, except for an employee of the federal, state or local government, who has been dismissed because of his/her participation in a strike against such government.
- .4 Good cause. The CWD shall be responsible for determining good cause in those instances where a registrant has voluntarily quit a job. The CWD shall consider the facts and circumstances, including information submitted by the household registrant involved and the employer.

63-408 VOLUNTARY QUIT (Continued)**63-408**

.41 Good cause for leaving employment shall include:

- (a) Circumstances beyond the registrant's control, such as, but not limited to, illness, illness of another household member requiring the presence of the registrant, a household emergency, the unavailability of transportation, or problems caused by inability of the registrant to speak or write English.
- (b) Resigning from a job that does not meet the suitability criteria specified in Section 63-407.7.
- (c) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;
- (d) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;
- (e) Acceptance by the work registrant of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education preparatory to seeking better jobs or employment, that requires the registrant to leave employment;
- (f) Acceptance by any other household member of employment or enrollment at least half-time in any recognized school, training program or institution of higher education preparatory to seeking better jobs or employment in another county or state which requires the household to move and thereby requires the work registrant to leave employment;
- (g) Resignations by persons under the age of 60 which are recognized by the employer as retirement;

63-408 VOLUNTARY QUIT (Continued)**63-408**

- (h) Acceptance of a bona fide offer of employment of more than 20 hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by 20 hours which, because of circumstances beyond the control of the registrant, subsequently either does not materialize or result in employment of less than 20 hours a week or weekly earnings of less than the federal minimum wage multiplied by 20 hours.
- (i) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where registrants will apply for food stamp benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the registrant shall be considered to have quit with good cause if the quitting of the previous employment is a part of the pattern of that type of employment.
- (j) Situations where there is a lack of adequate child care arrangements available for a registrant's children who have reached age six but are under twelve years of age. For purposes of this section, adequate child care arrangements means those which meet the standards in California Code of Regulations, Title 22, Division 12, Chapter 1 commencing with Section 101151, Chapter 2 commencing with Section 101251, and Chapter 3 commencing with Section 102351.1.

.42 The following shall not constitute good cause for leaving employment:

- (a) When a federal, state, or local government employee has been dismissed from the job because of his/her participation in the strike against the government entity involved.

.5 Verification

To the extent that good cause for voluntary quit is questionable, as defined in Section 63-300.53, the CWD shall request verification of the registrant's statements in accordance with Section 63-300.533.

63-408 VOLUNTARY QUIT (Continued)**63-408****.6 Ending a Voluntary Quit Disqualification**

- .61 Following the end of the minimum disqualification period identified in Section 63-407.531, .532, or .533, a registrant may begin participating in the Program after reapplying and being determined eligible if the individual;
 - .611 Secures new employment which is comparable in salary or hours to the job which was quit. This may entail fewer hours or a lower net salary than the job that was quit, so long as either the hours worked or the wages paid are at least the same, or
 - .612 Qualifies for one of the work registration exemptions listed at Section 63-407.21, other than the exemptions specified in Section 63-407.21(c), (e), or (g).
 - (a) This provision applies at any time during the period of disqualification.
- .62 An individual subject to the requirements of Section 63-410 who is also disqualified for failing to comply with the requirements of that section, may not regain eligibility until the conditions of Section 63-410 are met.

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; California Code of Regulations, Title 22, Division 12, Chapter 1 commencing with Section 101151, Chapter 2 commencing with Section 101251, and Chapter 3 commencing with Section 102351.1; 7 U.S.C. 2015(d)(1) and (o), Public Law 104-193, Sections 815 and 824 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); U.S.D.A. Food and Consumer Service Administrative Notices 97-22 and 97-65; and 7 CFR 273.7(n).

63-409 INCOME AND RESOURCE MAXIMUMS**63-409****.1 Requirements for Participation**

Except for categorically eligible households, as specified in Sections 63-301.6, .7, and .82, only those households with income and resources which do not exceed the maximum income and resource eligibility standards shall be eligible to participate in the Food Stamp Program. The maximum income and resource eligibility standards are promulgated and updated by the USDA, and contained in tables reproduced in Handbook Section 63-1101.

.11 Maximum Income Eligibility Standards

CWDs shall implement the updated maximum income eligibility standards upon their effective date(s). Refer to Handbook Section 63-1101 for the most recent maximum eligibility income standards and their effective date(s).

63-409 INCOME AND RESOURCE MAXIMUMS (Continued)**63-409****.111 Maximum Gross Income and Net Income Eligibility Standards**

The CWD shall determine the eligibility of all households, except as specified in Sections 63-409.112, and 63-301.7, based first on the maximum gross income. If the household is not eligible under this test the application shall be denied. If the household is gross income eligible then the net income eligibility standards reproduced in Handbook Section 63-1101 shall be applied and appropriate denial or approval shall be made. These eligibility determinations shall be made in accordance with Section 63-503.321.

.112 Maximum Net Income Eligibility Standards

The CWD shall determine the eligibility of households with a member who is elderly or disabled [as define in Section 63-102(e)] based on the maximum net income eligibility standards reproduced in Handbook Section 63-1101. These standards shall apply if a household contains a member who is 59 years old on the date of application but who will become 60 before the end of the month of application. This eligibility determination shall be made in accordance with Sections 63-503.322 or .323, as appropriate.

.12 Maximum Resource Eligibility Standards

Except for categorically eligible households, the CWD shall deny participation in the Food Stamp Program to any household whose nonexempt resources determined in accordance with Section 63-501, exceed the appropriate maximum resource eligibility standards specified in federal regulations 7 CFR 273.8(b), and reproduced in Handbook Sections 63-1101.11 and .12.

.121 For all households, except as provided in Section 63-409.122, the resource limit shall be the amount specified in Handbook Section 63-1101.12.

.122 For any household which includes at least one member age 60 or older, the resource limit shall be the amount specified in Handbook Section 63-1101.11.

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: 7 CFR 273.2(j)(4).

**63-410 FOOD STAMP WORK REQUIREMENT FOR ABLE-BODIED
ADULTS WITHOUT DEPENDENTS (ABAWD)****63-410**

An individual not exempt under Section 63-410.3 shall be ineligible for food stamps if, during the 36-month period identified in Section 63-410.1, the individual received food stamps in California for three months or more without satisfying the participation requirements or exemption criteria of Section 63-410.2 or .3, respectively. The 36-month period referred to in this section does not include any period prior to November 22, 1996. Months in which food stamps are received for only part of the month shall be counted when determining whether the eligibility requirement contained in this section has been met.

.1 36-month Period Defined; Tracking ABAWD Compliance

- .11 The 36-month period identified in Section 63-410 begins November 22, 1996 for all food stamp recipients who are subject to the ABAWD work requirement on that date and such persons' compliance with this requirement shall begin on December 1, 1996. For all other food stamp applicants and recipients, the 36-month period begins on the first day of the first full calendar month such persons become subject to the ABAWD work requirement.
- .12 The period identified in Section 63-410.11 is a fixed period which continues uninterrupted for 36 months regardless of the number of times an individual becomes exempt in accordance with Section 63-410.3 or leaves the Food Stamp Program and subsequently reapplies.
- .13 A county is not required to begin tracking an individual's food stamp eligibility based on compliance with, or exemption from, the ABAWD work requirement until the first month of the 36-month period identified in Section 63-410.11.
- .14 Each month the CWD is required to update the appropriate screen in the Medi-Cal Eligibility Data System (MEDS) to indicate an individual's work or exemption status. The update shall be done after the month's food stamp issuance and before the next month's food stamp issuance.

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Example - An individual applies for food stamps for the first time in March 1997 and is determined exempt from the ABAWD work requirement. The individual's exemption ends during December 1997 and he becomes subject to the ABAWD work requirement as of January 1, 1998. The county would track the individual's ABAWD compliance or exemption status for all months food stamps are received during the 36-month period which began January 1, 1998 and ends December 31, 2000.

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.2 ABAWD Work Requirement Defined

.21 The ABAWD work requirement is fulfilled by performing one of the following:

.211 Working 20 hours or more per week (averaged monthly);

(a) Hours worked in employment which is considered unsuitable in accordance with Sections 63-407.711 and .712 shall not count toward the 20-hour weekly minimum identified in Section 63-410.211.

(b) Hours worked for in-kind income shall count toward the 20-hour weekly minimum if the food stamp recipient provides documentation, such as pay stubs, verifying that the in-kind income being reported was an actual benefit received from the employer.

.212 Participating in a workfare program as defined in Section 20 of the Food Stamp Act (7 U.S.C. 2029) or in a comparable program; or

.213 Participating in an allowable Awork program@ for 20 hours or more per week (averaged monthly). For purposes of this section, an allowable work program means one of the following:

(a) A program under the Job Training Partnership Act;

(b) A program under Section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or

(c) A program of employment and training approved by a state agency, including the Food Stamp Employment and Training (FSET) program described in Section 63-407.8, and refugee employability services identified in 45 CFR 400.154.

(1) Hours spent in job search or job search training activities as part of an employment and training program shall not count toward completion of the ABAWD work requirement.

.3 Exemptions

The following individuals are exempt from the ABAWD work requirement:

63-410	FOOD STAMP WORK REQUIREMENT FOR ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) (Continued)	63-410
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- .31 Persons exempt from the work registration requirements as specified in Section 63-407.21, except for those exempt for working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the Federal minimum wage multiplied by 30 hours (Section 63-407.21(g));
- .32 An individual who is:
 - .321 Under 18 or 50 years of age or over;
 - .322 Pregnant; or
 - .323 Any adult living in a household that contains a dependent child.
- .33 Persons living in any portion of the state which has received Federal approval to waive application of the ABAWD work requirement shall also be considered exempt from the requirements of Section 63-410.
- .34 Those months during which an individual is exempt for all or part of the month, in accordance with Section 63-410.3, shall not be considered in determining whether the participation requirement identified in Section 63-410 has been satisfied.
- .35 Persons who become exempt after having lost eligibility in accordance with Sections 63-410.4 or .522, are not subject to the ABAWD work requirement while exempt and may receive food stamps if otherwise eligible.
- .4 **Loss of Eligibility**
 - .41 When the CWD determines that an individual has failed to meet the ABAWD work requirement for three months during the 36-month period identified in Section 63-410.1, the CWD shall issue a timely notice in the third month to discontinue the individuals food stamp benefits. In addition to the requirements specified in Section 63-504.21, the notice shall:
 - .411 Identify the reason the individuals food stamps are being discontinued;
 - .412 List those months for which the CWD has determined that the ABAWD work requirement was not satisfied;

63-410 (Cont.)	FOOD STAMP REGULATIONS ELIGIBILITY STANDARDS	Regulations
63-410	FOOD STAMP WORK REQUIREMENT FOR ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) (Continued)	63-410
	.413 Provide that the individual may present evidence which demonstrates that the ABAWD work requirement was fulfilled for any of the months identified in Section 63-410.412; and	
	.414 Specify how the individual may regain eligibility in accordance with Section 63-410.5.	
	.42 If the individual submits evidence which demonstrates that the ABAWD work requirement was satisfied to permit continued eligibility, the notice identified in Section 63-410.41 shall be rescinded and any food stamps inappropriately denied shall be restored.	
	.43 The period of ineligibility shall begin with the first full month following expiration of the adverse notice period, unless a state hearing is requested. If a state hearing is requested, benefits shall continue in accordance with Section 63-804.6.	
	.431 Each individual has a right to a state hearing to appeal a termination or reduction of benefits due to a determination of nonexempt status, or a determination of failure to satisfy the ABAWD work requirement.	
	.44 Determinations of ineligibility shall be made when the CWD becomes aware that a nonexempt recipient has failed to meet the requirements of Section 63-410.	
	.45 Repealed by Manual Letter No. FS-97-05, effective 11/16/97	
	.5 Regaining Eligibility	
	.51 An individual denied eligibility for failing to satisfy the ABAWD work requirement may regain eligibility if, during a 30-day period, the individual performs one of the following:	
	.511 Works for 80 or more hours;	
	.512 Participates in a workfare assignment; or	
	.513 Participates in an allowable work program as defined in Section 63-410.213 for at least 80 hours.	
	.52 When, during the 36-month period identified in Section 63-410, an individual subsequently stops performing the ABAWD work requirement after regaining eligibility in accordance with Section 63-410.5, that person shall remain eligible for a period of three consecutive months, beginning on the date the individual notifies the county that he/she is not satisfying the ABAWD work requirement.	

**63-410 FOOD STAMP WORK REQUIREMENT FOR ABLE-BODIED
ADULTS WITHOUT DEPENDENTS (ABAWD)****63-410**

(Continued)

- .521 The three-month period of eligibility identified in Section 63-410.52 is available to an individual only once during a 36-month period. Upon completion of this three-month period, an individual is ineligible for food stamps for the remainder of the 36-month period, unless he/she becomes exempt or satisfies the ABAWD work requirement for each month food stamps are requested.

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Example - A nonexempt individual fails to comply with the 20-hour work requirement during months two, three and four of the 36-month period and so is ineligible for food stamps. In month seven, the client obtains employment and works more than 80 hours during that month. At the beginning of month eight, the client loses the job. The client can receive food stamps for months eight, nine, and ten, regardless of whether the ABAWD work requirement is satisfied. Beginning with month eleven and for the remaining months of the 36-month period, the client can only receive food stamps for those months during which he is exempt from or in compliance with the ABAWD work requirement.

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- .522 When an individual fails to satisfy the ABAWD work requirement after completion of the three-month period identified in Section 63-410.52, requirements at Section 63-410.4 shall apply. However, the notice required by Section 63-410.41 shall specify that the individual can only receive food stamps if one of the conditions identified in Section 63-410.521 is met.
- .523 A county shall issue food stamps when an individual identified in Section 63-410.521 begins satisfying the ABAWD work requirement. If the individual remains eligible, benefits shall be issued until the county learns that the ABAWD requirement is no longer being met.
- .53 Notwithstanding any other provision of this section, when an individual fails without good cause to comply with an ABAWD work requirement and the noncompliance is a sanctionable action under Section 63-407 or Section 63-408, the individual may not reestablish eligibility until the minimum sanction period identified in Section 63-407.53 is completed.

NOTE: Authority cited: Sections 10553, 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 U.S.C. 2015(d)(1) and (o); and Public Law 104-193, Sections 815 and 824 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Implementation instructions received from Yvette S. Jackson, Deputy Administrator, Food and Consumer Service (FCS), in August 1996; and Waiver letter received from Yvette S. Jackson, Deputy Administrator, FCS, dated August 26, 1996; Administrative Notice (AN) 97-44; 7 CFR 273.7(i)(1)(i) and (ii); and 45 CFR 400.154.

63-411 CFAP WORK REQUIREMENTS**63-411****.1 Work Requirement Defined**

As a condition of eligibility, CFAP recipients who are not exempt in accordance with Section 63-411.2 must participate as follows:

.11 CFAP recipients who are also CalWORKs recipients must comply with Welfare-to-Work (WTW) requirements contained in MPP Chapter 42-700.

.12 CFAP recipients who do not receive CalWORKs, including persons under a WTW sanction, must work in subsidized or unsubsidized employment for the number of hours equal to the minimum level of participation established for WTW participants at Section 42-711.4.

.121 Employment means work that is compensated at least at the applicable state or federal minimum wage. If neither wage rate applies, the work must be compensated in an amount equivalent to the lesser of the two.

(a) Subsidized employment means employment in which the CFAP recipient's employer is partially or wholly reimbursed for wages and/or training costs.

.2 Exemptions

.21 All WTW exemptions at Section 42-712 apply to CFAP recipients identified in Section 63-411.11.

.22 A NonCalWORKs CFAP recipient identified in Section 63-411.12 is exempt from the CFAP work requirement if he/she is:

.221 Disabled;

.222 Sixty years of age or older;

.223 A child under 16 years of age (See Section 42-712.41); or

.224 An individual 16, 17, or 18 years of age who is attending full-time, a school in grade twelve or below, a vocational school, or technical school (See Section 42-712.42.)

.23 In addition to the exemptions identified in Section 63-411.22, migrant and seasonal farm workers who are not receiving CalWORKs benefits are exempt from the CFAP work requirement if they receive unemployment compensation or their county of residence determines that a sufficient amount of appropriate farm work is not available.

63-411 **CFAP WORK REQUIREMENTS** (Continued)

63-411

.3 Noncompliance with CFAP Work Requirement

- .31** An individual must be meeting the CFAP work requirements identified in Section 63-411.1 in order to be approved for CFAP benefits unless he/she is exempt under Section 63-411.2. A nonexempt CFAP recipient shall lose eligibility if at anytime he/she fails to comply with these requirements.
- .32** Continued compliance is determined through current federal FSP reporting requirements as specified in Sections 63-504.3 and/or 63-504.4.
- .33** The provisions of the Food Stamp Employment and Training (FSET) Program (Section 63-407), the Able-Bodied Adult without Dependents (ABAWD) work requirement (Section 63-410), and Voluntary Quit (Section 63-408) do not apply to CFAP recipients.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 18930.5 (as added by AB 2779, Statutes of 1998, Section 35) and Article 3.2 of Chapter 2 of Part 3 of Division 9, Welfare and Institutions Code.

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